

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
Prelim
26
1/24/03

In re application of:) Group Art Unit: TBA
PEACH et al.) Examiner: TBA
Filed: Concurrently herewith) Attorney Docket: GH-01383
Serial No.: TBA)
Title: ROCK BORING DEVICE) July 20, 2001

DIRECTOR OF PATENTS
WASHINGTON, D.C. 20231
ATTN: Box PCT

PRELIMINARY AMENDMENT
SUBMITTED WITH NATIONAL PHASE FILING OF
PCT INTERNATIONAL APPLICATION NO. PCT/AU00/00030,
PURSUANT TO 35 U.S.C. §371

Sir/Madam:

Before calculating the filing fee and examining the national phase application that is submitted for filing along with this *Preliminary Amendment*, please amend the application as directed below.

IN THE CLAIMS

Please cancel claims 8-10.

Please amend claims 1-7 and 11-13 to read as follows. (The claims have been amended to comport with 37 C.F.R. §1.121(c)(1)(i). Accompanying this *Amendment* is Appendix I in which a marked-up copy of the revised claims is provided showing all changes (i.e., with deletions enclosed in brackets and additions underlined), pursuant to 37 C.F.R. §1.121(c)(1)(ii).)

1. (Amended) A rock boring device including a rotary disc cutter, wherein said rotary disc cutter is driven in an oscillating manner and at least one of driven and free to nutate.

Sub
(B)